

# **LAW OF UKRAINE**

## **On strategic environmental assessment**

### **Chapter I. General provisions**

#### **Article 1. Definitions**

1. In this Law the following terms shall have the following meaning:

the public – one or more natural or legal persons, their associations, organisations or groups;

state of origin – a state within whose jurisdiction the preparation of a public planning document takes place;

public planning documents – strategies, plans, schemes, urban planning documentation, national programmes, state target programmes and other programmes and program documents, including any modifications to them, subject to adoption by public authority, local self-governance authority;

planner – a state executive authority or a local self-governance authority, responsible for the preparation of public planning documents and exercising general leadership and control over the implementation thereof, or other defined by the legislation planner of the public planning documents;

affected state – a state likely to be affected by the transboundary environmental, including health, effects of implementation of a public planning document.

effects on the environment, including human health – any likely effects on flora, fauna, biodiversity, soil, climate, air, water, landscape, natural sites and objects, safety of livelihoods of people and their health, material assets, objects of cultural heritage and the interaction among these factors;

strategic environmental assessment of the draft public planning documents – a procedure of identifying, describing and evaluating effects of implementation of a public planning document on the environment, including human health, reasonable alternatives and developing measures to prevent, reduce and offset possible adverse effects, which includes the scoping of strategic environmental assessment, the preparation of the strategic environmental assessment report, the carrying out of public consultations and consultations (where necessary – transboundary consultations), the taking into account of the strategic environmental assessment report and the results of public consultations and consultations in the public planning document, the provision of information on the adoption of the public planning document.

#### **Article 2. Scope of the Law**

1. This Law shall regulate relations in the field of strategic environmental assessment of draft public planning documents and complement the procedures for

the preparation and adoption of public planning documents as regards ensuring the strategic environmental assessment thereof.

2. This Law shall not cover draft public planning documents the sole purpose of which is to serve national defence or civil emergencies, as well as financial or budget public planning documents.

3. Public planning documents, for which the strategic environmental assessment is carried out, shall not be subject to ecological and the state sanitary-epidemiological expertises.

### **Article 3. Objectives and principles of strategic environmental assessment**

1. The objectives of a strategic environmental assessment are to promote sustainable development by ensuring environmental protection, safety of livelihoods of people and protection of their health, and integrating environmental considerations during the preparation and adoption of public planning documents.

2. A strategic environmental assessment shall be carried out on the basis of the principles of rule of law, transparency, scientific validity, comprehensiveness, prevention of environmental damage, long-term forecasting, public participation and international environmental cooperation.

### **Article 4. Objects of strategic environmental assessment**

1. A strategic environmental assessment shall be carried out for draft public planning documents in the field of agriculture, forestry, fisheries, energy, industry, transport, waste management, water use, environmental protection, telecommunications, tourism, urban planning (except for a spatial zoning plan) and land management (schemes) and implementation of which set the framework for types of activity (or which contain types of activity and projects) that under legislation require an environmental impact assessment, as well as for draft public planning documents which require an assessment in view of the likely effects on sites or objects of the nature-reserve fund or ecological network (hereinafter – nature conservation areas).

### **Article 5. Subjects of strategic environmental assessment**

1. Subjects of the strategic environmental assessment shall be:

1) planner;

2) central state executive authority, implementing state policy in the field of environmental protection, central state executive authority, implementing state policy in the field of healthcare, regional, Kyiv, Sevastopol city state administrations (relevant units on environmental protection and healthcare), state executive authority of the Autonomous Republic of the Crimea on environmental protection and state executive authority of the Autonomous Republic of the Crimea on healthcare;

3) the public;

4) state of origin;

5) affected state.

## **Chapter II. Powers of the subjects of strategic environmental assessment**

### **Article 6. Powers of the planner**

1. The planner shall:

1) ensure the strategic environmental assessment of the draft public planning documents referred to in Article 4 of this Law;

2) inform and ensure access to information in the process of the strategic environmental assessment;

3) timely ensure opportunities for public participation in the strategic environmental assessment of the draft public planning document;

4) take into account the strategic environmental assessment report, the results of public consultations and consultations carried out pursuant to Articles 13 and 14 of this Law, as well as the results of transboundary consultations entered into pursuant to Article 15 of this Law, in the public planning document;

5) within its competence carry out monitoring of the effects of the implementation of the public planning document on the environment, including human health;

6) take measures to eliminate adverse effects on the environment, including human health, caused by the implementation of the public planning document.

### **Article 7. Powers of the central state executive authority, implementing state policy in the field of environmental protection, as regards the strategic environmental assessment**

1. The central state executive authority, implementing state policy in the field of environmental protection, shall within its competence:

1) provide comments and suggestions to the declaration of scoping of the strategic environmental assessment of the draft public planning documents of the national level;

2) provide comments and suggestions to the draft public planning document and the strategic environmental assessment report;

3) ensure transboundary consultations in cases envisaged by Articles 15 and 16 of this Law;

4) as appropriate request the authorities referred to in Article 9 of this Law to implement measures ensuring information and opportunities for participation of the public of Ukraine likely to be affected by the implementation of the public planning document of the state of origin;

5) involve other state executive authorities or local self-governance authorities in the consultations carried out pursuant to Articles 14-16 of this Law;

6) involve specialists and scholars in the consultations carried out pursuant to Articles 14-16 of this Law;

7) provide methodological guidance on strategic environmental assessment;

8) summarize practice of carrying out a strategic environmental assessment, application of the new methods of environmental assessment;

9) exercise other powers, defined by this Law, other laws of Ukraine and assigned to it by the Cabinet of Ministers of Ukraine.

**Article 8. Powers of the central state executive authority, implementing state policy in the field of healthcare, as regards the strategic environmental assessment**

1. The central state executive authority, implementing state policy in the field of healthcare, shall within its competence:

1) provide comments and suggestions to the declaration of scoping of the strategic environmental assessment of the draft public planning documents of the national level;

2) provide comments and suggestions to the draft public planning document and the strategic environmental assessment report;

3) involve other state executive authorities or local self-governance authorities in the consultations carried out pursuant to Article 14 of this Law;

4) involve specialists and scholars in the consultations carried out pursuant to Article 14 of this Law;

5) approve regulatory guidance documents on a strategic environmental assessment;

6) exercise other powers, defined by this Law, other laws of Ukraine and assigned to it by the Cabinet of Ministers of Ukraine.

**Article 9. Powers of the regional, Kyiv, Sevastopol city state administrations (relevant units on environmental protection and healthcare), state executive authority of the Autonomous Republic of the Crimea on environmental protection and state executive authority of the Autonomous Republic of the Crimea on healthcare, as regards the strategic environmental assessment**

1. The regional, Kyiv, Sevastopol city state administrations (relevant units on environmental protection and healthcare), state executive authority of the Autonomous Republic of the Crimea on environmental protection and state executive authority of the Autonomous Republic of the Crimea on healthcare, shall within their competence:

1) provide comments and suggestions to the declaration of scoping of the strategic environmental assessment of the draft public planning documents of the local and regional levels;

2) provide comments and suggestions to the draft public planning document and the strategic environmental assessment report;

3) ensure information and public participation in cases envisaged by Article 16 of this Law;

4) involve other state executive authorities or local self-governance authorities in the consultations carried out pursuant to Article 14 of this Law;

5) involve specialists and scholars in the consultations carried out pursuant to Article 14 of this Law;

6) facilitate the elimination of the adverse effects on the environment, including human health, caused by the implementation of the public planning document;

7) exercise other powers, defined by this Law and other legislative acts.

### **Chapter III. Procedure for strategic environmental assessment**

#### **Article 10. Stages of strategic environmental assessment and main requirements thereto**

1. Stages of a strategic environmental assessment shall be:

1) scoping of the strategic environmental assessment;

2) preparation of the strategic environmental assessment report;

3) carrying out of public consultations and consultations pursuant to Articles 13 and 14 of this Law, and, as appropriate, – transboundary consultations pursuant to Article 15 of this Law;

4) taking into account of the strategic environmental assessment report and the results of public consultations and consultations.

2. The strategic environmental assessment report, the results of public consultations and consultations carried out pursuant to Articles 13 and 14 of this Law, as well as the results of transboundary consultations entered into pursuant to Article 15 of this Law shall be taken into account in the public planning document.

#### **Article 11. Scoping of the strategic environmental assessment**

1. The strategic environmental assessment shall be carried out during the preparation of the draft public planning documents, referred to in Article 4 of this Law, before their submission for adoption. The carrying out of the strategic environmental assessment and the financing thereof shall be ensured by the planner.

2. In order to determine the scope of research, methods of environmental assessment and level of detail of information to be included in the strategic environmental assessment report, as well as to determine the need for the strategic environmental assessment of insignificant changes to the public planning documents, which have earlier underwent the strategic environmental assessment, the planner shall submit the declaration of scoping of the strategic environmental assessment (on paper and in an electronic form) to the authorities referred to in Articles 7 and 8 of this Law – for the draft public planning documents of the national level, and to the authorities referred to in Article 9 of this Law – for the draft public planning documents of the local and regional level, and publish it pursuant to paragraph four of this Article in order to collect and take into account comments and suggestions from the public.

3. The declaration of scoping of the strategic environmental assessment shall contain information on:

- 1) the planner;
- 2) type and main objectives of the public planning document, its relationship with other public planning documents;
- 3) establishment of conditions for carrying out activities or granting permits to implement types of activity and objects that under legislation require an environmental impact assessment (including with regard to the location, size, capacity or allocation of resources);
- 4) likely effects to be considered:
  - a) effects on the environment, including human health;
  - b) effects on nature conservation areas;
  - c) transboundary environmental, including health, effects;
- 5) reasonable alternatives to be considered, including without implementation of the public planning document;
- 6) research to be conducted and methods and criteria to be used for the strategic environmental assessment;
- 7) measures expected to be considered to prevent, reduce and compensate adverse effects that may arise from the implementation of the public planning document;
- 8) suggestions for the structure, content and scope of the strategic environmental assessment report;
- 9) the authority to which comments and suggestions can be submitted and the time schedule for their transmittal.

4. The declaration of scoping of the strategic environmental assessment and (where available) the draft public planning document shall be made publicly available by posting on the official website of the planner in the Internet aiming at collecting and taking into account comments and suggestions from the public. The planner shall inform the public of the disclosure in a manner that ensures opportunities for the free access by the public to examining these documents.

5. Time frames for public consultations concerning the declaration of scoping of the strategic environmental assessment shall be established by the planner and shall not be less than 15 days from the date of making it publicly available.

6. The authorities referred to in Articles 7 and 8 of this Law – for the draft public planning documents of the national level, – and the authorities referred to in Article 9 of this Law – for the draft public planning documents of the local and regional level, – shall provide in writing their comments and suggestions to the declaration of scoping of the strategic environmental assessment within a time frame which shall not exceed 15 days of the receipt of such the declaration. In the absence of written comments and suggestions within the above time frames the planner shall

by himself determine the scope of research and level of detail of the information to be included in the strategic environmental assessment report.

7. Where the authorities, referred to in Articles 7 and 8 of this Law – for the public planning documents of the national level, – and the authorities referred to in Article 9 of this Law – for the public planning documents of the local and regional level, – have received the declaration of scoping of the strategic environmental assessment, envisaging the need for the strategic environmental assessment of the draft insignificant changes to a public planning document, which has earlier underwent the strategic environmental assessment, and do not see the need for the strategic environmental assessment of these draft changes on the basis of the criteria for determining the effects on the environment, including human health, approved by the authority referred to in Article 7 of this Law, they shall inform the planner accordingly in writing within the time frames established in paragraph 6 of this Article.

8. Where the planner, on the basis of recommendations, referred to in paragraph 7 of this Article, decides not to carry out the strategic environmental assessment of the draft insignificant changes to a public planning document, which has earlier underwent the strategic environmental assessment, he shall make public this decision together with the justification thereof pursuant to the procedure established by Article 17 of this Law.

#### **Article 12. Strategic environmental assessment report**

1. The planner shall take into account comments and suggestions received in the process of public consultations concerning the declaration of scoping of the strategic environmental assessment and recommendations thereto provided by the authorities referred to in Articles 7-9 of this Law, and on the basis of the above shall ensure the preparation of the strategic environmental assessment report.

2. The strategic environmental assessment report shall be prepared as part of the draft public planning document, signed by all authors (executives) thereof indicating their qualifications, and contain, taking into account content and level of detail of the public planning document, modern knowledge and assessment methods, the following information:

1) the contents and the main objectives of the public planning document, its relationship with other public planning documents;

2) characteristics of the current state of the environment, including human health, and the likely evolution thereof without implementation of the public planning document (pursuant to existing administrative data, statistical information and research results);

3) the environmental characteristics, livelihood conditions for people and the state of human health of areas likely to be affected (pursuant to existing administrative data, statistical information and research results);

4) existing environmental problems, including risks of their impact on human health, which are relevant to the public planning document including those relating to

nature conservation areas (pursuant to existing administrative data, statistical information and research results);

5) the environmental protection obligations, including those related to preventing adverse impact on human health, established at international, national or other levels, which are relevant to the public planning document and the way those obligations and other environmental considerations, including those related to adverse impact on human health, have been taken into account during preparation of the public planning document;

6) an outline of effects on the environment, including human health, including secondary, cumulative, synergistic, short, medium and long-term (1, 3-5 and 10-15 years respectively), permanent and temporary, positive and negative effects;

7) the measures envisaged to prevent, reduce and offset adverse effects of implementing the public planning document;

8) justification of the reasons for selecting the alternatives dealt with, and a description of how the strategic environmental assessment was undertaken including any lack of information and technical means, required to carry out such assessment;

9) measures envisaged for monitoring effects of the implementation of the public planning document in accordance with Article 18 of this Law;

10) an outline of likely transboundary effects on the environment, including human health (as appropriate);

11) a non-technical summary of the information provided under points 1-10 of this paragraph, intended for a wide audience.

3. As part of the urban planning documentation the tasks of the strategic environmental assessment report for the draft urban planning documentation shall be fulfilled by the “Environmental protection” chapter, which shall meet the requirements of paragraph two of this Article. The structure and content of the “Environmental protection” chapter as part of the urban planning documentation shall be determined by the state central executive authority, ensuring the formulation of state policy in the field of urban development.

### **Article 13. Public consultations in the process of strategic environmental assessment**

1. The planner shall timely ensure opportunities for public participation in the strategic environmental assessment of the draft public planning document, when all options are open.

2. The draft public planning document and the strategic environmental assessment report shall be made publicly available on the official website of the planner in the Internet aiming at collecting and taking into account of comments and suggestion from the public.

3. The planner shall notify the public of the disclosure of the draft public planning document and the strategic environmental assessment report.



4. The notification of the disclosure of the draft public planning document and the strategic environmental assessment report shall be made available to the public by publishing in the printed mass media (at least two) determined by the planner and by posting on the official website of the planner in the Internet. The planner shall ensure the dissemination of the notification and access to the draft public planning document and the strategic environmental assessment report during the entire period of public consultations, established pursuant to paragraph 6 of this Article.

5. The notification of the disclosure of the draft public planning document and the strategic environmental assessment report shall contain:

- 1) the full title of the proposed public planning document;
- 2) the authority responsible for the adoption of the public planning document;
- 3) the envisaged procedure for public consultations, including:
  - a) the commencement and time frames of the procedure;
  - b) means of public participation (submission of written comments and suggestions, public hearings, etc.);
  - c) the date, time and venue of any envisaged public hearing (if planned);
  - d) the authority from which the information for examination by the public can be obtained and the address where the draft public planning document and the strategic environmental assessment report has been deposited for examination;
  - e) the authority to which comments and suggestions can be submitted and the time schedule for their transmittal;
  - f) the location of the available environmental, including human health, information relevant to the public planning document;
- 4) information concerning the need for transboundary consultations on the draft public planning document.

6. Time frames for public consultations shall be established by the planner and shall not be less than 30 days from the date of making publicly available the notification referred to in paragraph 4 of this Article.

7. The making publicly available of the draft public planning document and the strategic environmental assessment report aiming at collecting comment and suggestions shall not exclude the possibility of carrying out public hearings pursuant to the procedure established by the legislation, as well as any other forms of open public consultations concerning the draft public planning document and the strategic environmental assessment report.

8. As the result of public consultations the planner shall prepare a statement (report) of public consultations, summarizing comments and suggestions received and indicating how comments and suggestions expressed pursuant to this Article have been taken into account in the public planning document and the strategic environmental assessment report (or justifies the rejection thereof), as well as the reasons for choosing the public planning document as adopted in the light of the reasonable alternatives considered. The statement (report) shall be supplemented by

the protocol of public hearings (if held) and written comments and suggestions received. The statement (report) of public consultations shall be considered public information.

9. Public consultations in the process of the strategic environmental assessment of the draft urban planning documentation shall form an essential part of public consultations concerning the draft urban planning documentation and shall be carried out in the manner specified by the Law of Ukraine “On the regulation of urban planning activity”.

#### **Article 14. Consultations with state executive authorities**

1. The draft public planning document, the strategic environmental assessment report and the notification of the disclosure of these documents shall be submitted by the planner (on paper and in an electronic form) to the authorities referred to in Articles 7 and 8 of this Law.

2. The draft public planning document of the local and regional level, the strategic environmental assessment report and the notification of the disclosure of these documents shall be also submitted by the planner (on paper and in an electronic form) to the authorities referred to in Article 9 of this Law.

3. The authorities referred to in Articles 7, 8 and 9 of this Law, upon the receipt of the draft public planning document and the strategic environmental assessment report shall within five working days post the notification of the disclosure of the draft public planning document on official websites thereof in the Internet indicating the planner.

4. The authorities referred to in Articles 7 and 8 of this Law – for the draft public planning documents of the national level, – and the authorities referred to in Article 9 of this Law – for the draft public planning documents of the local and regional level, – shall provide the planner in writing their comments and suggestions concerning the draft public planning document and the strategic environmental assessment report within a time frame which shall not exceed 30 days of the receipt of the draft public planning document and the strategic environmental assessment report. Where comments and suggestion have not been provided within the referred time frame it shall be considered that comments and suggestions are absent.

5. As the result of consultations the planner shall prepare a statement (report) of consultations, summarizing comments and suggestions received and indicating how comments and suggestions expressed pursuant to this Article have been taken into account in the public planning document and the strategic environmental assessment report, as well as the reasons for choosing the public planning document as adopted in the light of the reasonable alternatives considered. The statement (report) shall be supplemented by the written comments and suggestions received. The statement (report) of consultations shall be considered public information.

### **Chapter IV. Transboundary consultations**

#### **Article 15. Transboundary consultation of the state of origin**

1. The transboundary consultation of the state of origin shall be carried out in cases foreseen by the international treaties of Ukraine the consent for the compulsory character of which has been granted by the Verkhovna Rada of Ukraine.

2. Where the authority referred to in Article 7 of this Law considers that the public planning document is likely to have effects on the environment, including human health in the affected state, or where the affected state so requests, the authority referred to in Article 7 of this Law shall forward a copy of the draft public planning document together with the strategic environmental assessment report (or a part thereof, which does not contain the classified information) to the affected state and specify the time frame within which the affected state shall indicate whether it wishes to enter into transboundary consultations. Such the time frame shall not be less than 30 days from the day of notification of the affected state.

3. The planner shall be notified in writing as regard the need to enter into transboundary consultations. The public planning document shall not be approved (adopted) until the procedure of transboundary consultations and taking into account the results thereof is completed.

4. Where the affected state, within the time specified in paragraph 1 of this Article, indicates to the authority referred to in Article 7 of this Law its wish to enter into transboundary consultations, such the authority together with the planner, within the agreed with the affected state timeframes, shall enter into consultations with the affected state concerning the likely transboundary effects of implementing the public planning document and the measures envisaged to minimize or avoid such effects. To this end, the authority referred to in Article 7 of this Law involving the planner, and the affected state shall agree on the timeframe for the duration of the consultations, arrangements for carrying them out, modalities for translating documents, and measures to ensure information and participation of the public in the affected state, likely to be affected by the implementation of the public planning document.

5. When the public planning document is approved, the authority referred to in Article 7 of this Law shall ensure, on the submission of the planner, the informing of the affected state as regards the following:

1) the content of the adopted public planning document;

2) information on how environmental considerations have been taken into account in the public planning document and how the strategic environmental assessment report took into account the results of consultations and suggestions expressed pursuant to this Article, as well as the reasons for choosing the public planning document as adopted in the light of the reasonable alternatives considered;

3) the measures decided concerning monitoring in accordance with Article 18 of this Law.

6. The planner shall ensure that the authority referred to in Article 7 of this Law is provided with information, necessary to implement the requirements of paragraphs one, three and four of this Article, including the translation of relevant documents.

**Article 16. Transboundary consultations of the affected state**

1. Where the authority referred to in Article 7 of this Law has been notified by the state of origin and considers that the implementation of the public planning document being prepared for adoption on the territory of the state of origin is likely to have effects on the environment of Ukraine, including human health, it shall indicate to the state of origin whether it wishes to enter into transboundary consultations.

2. Before entering into transboundary consultations the authority referred to in Article 7 of this Law and the state of origin shall agree on the timeframe for their duration, arrangements for carrying them out, modalities for translating documents, and detailed measures to ensure information and opportunities for participation of the public of Ukraine likely to be affected by the implementation of the public planning document of the state of origin taking into account the requirements of Articles 13 and 14 of this Law.

3. At the request of the authority referred to in Article 7 of this Law the implementation of measures ensuring information and opportunities for participation of the public of Ukraine likely to be affected by the implementation of the public planning document of the state of origin shall be ensured by the authorities referred to in Article 9 of this Law.

**Chapter V. Information on the adoption of the public planning document and monitoring of its implementation****Article 17. Information on the adoption of the public planning document**

1. Within five working days of the date of adoption of the public planning document the planner shall post on the official website thereof in the Internet the public planning document as adopted, the measures envisaged for monitoring of effects of the implementation of the public planning document, the statement (report) of consultations and the statement (report) of public consultations, and inform thereabout in writing the authority referred to in Article 7 of this Law.

**Article 18. Monitoring**

1. The planner within its competence shall monitor the effects of the implementation of the public planning document on the environment, including human health, annually make publicly available the results thereof on its official website in the Internet, and, in case of identified adverse effects on the environment, including human health, unforeseen by the strategic environmental assessment report, undertake appropriate remedial action.

2. The procedure for monitoring the effects of the implementation of the public planning document on the environment, including human health, shall be approved by the Cabinet of Ministers of Ukraine.

## Chapter VI. Final provisions

1. This Law shall enter into force on the day following the date of its publication and shall take effect in six months after the day of its entry into force.

2. Amend the following legislative acts of Ukraine:

1) in paragraph 1 of Article 186 of the Land Code of Ukraine (Vidomosti of the Verkhovna Rada of Ukraine, 2002, № 3-4, art. 27):

delete the words “by the state executive authority of the Autonomous Republic of the Crimea in the field of environmental protection, structural unit of the relevant regional, Kyiv or Sevastopol city state administration in the field of environmental protection” in the first indent;

add a new indent after the second indent as follows:

“Land management schemes and feasibility studies of land use and protection of the administrative-territorial units shall be subject to the strategic environmental assessment”;

thereby assume the third-fifth indent to be the fourth-sixth indent respectively;

2) in the Law of Ukraine “On environmental protection” (Vidomosti of the Verkhovna Rada of Ukraine, 1991, № 41, art. 546 with the following amendments):

add the following point to Article 3:

“м) taking into account the results of the strategic environmental assessment”;

add the following point to paragraph 1 of Article 9:

“і) participation in the strategic environmental assessment”;

add the words “strategic environmental assessment” after the word “research” in paragraph 1 of Article 16;

add point “п” to paragraph 1 of Article 20 as follows:

“п) shall approve within its competence regulatory guidance documents on strategic environmental assessment”;

add point “р” to paragraph 1 of Article 20-1 as follows:

“р) implementation of powers in the field of strategic environmental assessment pursuant to the legislation on the strategic environmental assessment”;

add point “ж” to paragraph 1 of Article 20-3 as follows:

“ж) implementation of powers in the field of strategic environmental assessment pursuant to the legislation on the strategic environmental assessment”;

add point “е” to Article 20-4 as follows:

“е) implementation of powers in the field of strategic environmental assessment pursuant to the legislation on the strategic environmental assessment”;

add point “о” to paragraph 2 of Article 68 as follows:

“o) violation of the requirements of the legislation of Ukraine in carrying out the strategic environmental assessment”;

3) replace the words “shall be subject to mandatory state ecological and sanitary-hygiene expertises” with the words “shall be subject to mandatory strategic environmental assessment and the state sanitary-hygiene expertise” in paragraph 3 of Article 14 of the Law of Ukraine “On resorts” (Vidomosti of the Verkhovna Rada of Ukraine, 2000, № 50, art. 435);

4) add a new indent five after the fourth indent to paragraph 1 of Article 5 of the Law of Ukraine “On state target programmes” (Vidomosti of the Verkhovna Rada of Ukraine, 2004, № 25, art. 352):

“strategic environmental assessment”.

Thereby assume the fifth-tenth indents to be the sixth-eleventh indents;

5) in the Law of Ukraine “On the regulation of urban planning activity” (Vidomosti of Verkhovna Rada of Ukraine, 2011, № 34, art. 343; 2013, 2014, № 48, art. 682; № 1, art. 4):

add paragraph 4 to Article 2 as follows:

“4. Urban planning documentation except for the spatial zoning plan shall be subject to a strategic environmental assessment pursuant to the procedure established by the Law of Ukraine “On strategic environmental assessment”. The “Environmental protection” chapter prepared as a part of the draft urban planning documentation shall simultaneously be considered as the strategic environmental assessment report”;

add the words “of carrying out the strategic environmental assessment and” after the words “on the condition” in paragraph 4 of Article 14;

add point 7 to paragraph 7 of Article 17 as follows:

“7) shall ensure carrying out of the strategic environmental assessment”;

Article 21 formulate as follows:

“Article 21. Public hearings concerning taking into account of public interests

1. Draft urban planning documentation prepared pursuant to the established procedure shall be subject to public hearings.

2. Approval of the urban planning documentation without carrying out public hearings concerning the drafts thereof shall be prohibited.

In resolving, pursuant to the Law of Ukraine “On the alienation of lands and other real estate objects located thereon, which are privately owned, for public needs or social necessity,” of the issues of alienation for public needs or social necessity of plots of land, other real estate objects located thereon owned by natural or legal persons, the public hearings shall not be carried out.

3. Customers of the urban planning documentation shall ensure that:

1) the adopted decisions concerning the preparation of the urban planning documentation containing forecasts of legal, economic and environmental, including health, effects are made publicly available;

2) the draft urban planning documentation, the explanatory note, including its “Environmental protection” chapter, are made publicly available on their official websites in the Internet and free public access to this information is provided;

3) public comments to the draft urban planning documentation are registered, considered and summarized;

4) disputes between the public and the customers of the urban planning documentation are settled by means of the conciliation commission;

5) the results of considering public comments to the draft urban planning documentation are made publicly available.

4. The making publicly available of the adopted decisions concerning the preparation of the urban planning documentation and the draft urban planning documentation shall provide grounds for the submission of public comments to the customer of the urban planning documentation.

5. Public comments shall be submitted within the time frames established for the public hearings procedure, which shall not be less than 30 days from the day of making publicly available of the draft urban planning documentation.

Comments submitted after the established deadline shall not be considered.

6. The conciliation commission may be established to settle disputes emerging in the process of public hearings.

The conciliation commission shall include:

1) officials of the customer of the urban planning documentation;

2) representatives of the land resources, environmental, sanitary-epidemiologic, urban development and architecture, cultural heritage protection and other authorities;

3) representatives of professional unions and associations, architects, scholars;

4) authorized representatives of the public elected at public hearings. Members of the public shall constitute not less than 50 percent and not more than 70 percent of the total of the commission.

An official of the customer of the urban planning documentation shall lead the conciliation commission.

The conciliation commission shall within two weeks after the establishment thereof consider disputable issues reflected in the protocol of public hearings and adopt decisions either to take into account or reasonable reject these comments (suggestions).

Meetings of the conciliation commission shall be legitimate if at least two thirds of its members take part in them (of which at least half are members of the public).

Decisions of the conciliation commission shall be reflected in the relevant protocol.

If the conciliation commission is not able to settle the dispute between the parties the final decision shall be made by the customer of the urban planning documentation. The disputes between the parties settled by the conciliation commission or the decisions made by the customer of the urban planning documentation shall form the grounds to amend the relevant draft documentation.

7. The results of consideration of public comments to the draft urban planning documentation shall be made publicly available within two weeks from the day of their adoption by publishing in the mass media covering relevant territories, as well as posting such decisions on official websites of the customers of the urban planning documentation.

Persons making the draft urban planning documentation publicly available shall be responsible for its authenticity.

8. Measures concerning taking into account of public interests shall be financed by the customers of the urban planning documentation.

9. The procedure of public hearings of the draft urban planning documentation shall be established by the Cabinet of Ministers of Ukraine”.

3. Within six months of the date of entry into force of this Law the Cabinet of Ministers of Ukraine shall:

ensure adoption of legal acts, necessary for the implementation of this Law;  
reconcile its legal acts with this Law;

ensure the revision and cancellation by ministries and other central state executive authorities of their legal acts which are in conflict with this Law.

**Head of the Verkhovna Rada of Ukraine**

**A. Parubiy**